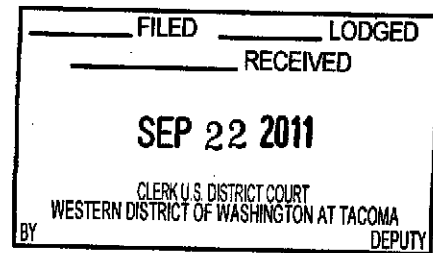


District Judge Ronald B. Leighton



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAURA AVERY,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. C06-05655 RBL

STIPULATION AND ORDER FOR
DISMISSAL OF CASE SUBSEQUENT
TO LIFTING OF STAY

Noted on motion calendar:
September 21, 2011.

STIPULATION

On October 31, 2007, this Court held that it was without subject matter jurisdiction over Plaintiff's Complaint pending a determination by the Secretary of Labor as to whether Plaintiff was covered by the Federal Employees Compensation Act ("FECA"), 5 U.S.C. § 8116(c), when her claims arose. *See* Order at 9 (Dkt. No. 25). The Court then stayed the proceedings pending a decision of FECA coverage by the Secretary of Labor. *Id.* at 10. On September 27, 2010, the Employment Compensation Appeals Board ("ECAB") held that Plaintiff was a covered employee under FECA during the relevant time period. *See* ECAB Decision, attached hereto as Exhibit A. Consequently, the parties hereby STIPULATE and AGREE that the Court-imposed

STIPULATION AND ORDER FOR LIFTING OF STAY
AND DISMISSAL OF CASE [Case No. C06-05655 RBL] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
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206-553-7970

stay may be lifted in this matter and the case dismissed for lack of subject matter jurisdiction pursuant to FECA without costs or fees to either party.

DATED this 21st of September, 2011.

Respectfully submitted,

TROUP, CHRISTNACHT, LADENBURG,
McKASY & DURKIN

/s/ John J. Durkin

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Attorney for Plaintiff Laura Avery

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

s/ Priscilla T. Chan

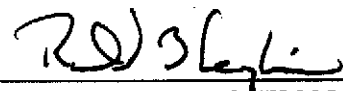
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Phone: 206-553-7970
E-mail: priscilla.chan@usdoj.gov

Attorneys for the United States of America

ORDER

The parties having so stipulated it is hereby ORDERED that the stay be lifted and the case dismissed with prejudice and without costs or fees to either party.

DATED this 22nd day of September, 2011.



RONALD B. LEIGHTON
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

John Durkin: jjdurkin@tclmd.com

I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via USPS mail, postage pre-paid.

- 0 -

DATED this 21st day of September, 2011.

/s/ Priscilla T. Chan

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